



Natsayi Mawere
Direct Phone: +1 212 549 4660
Email: nmawere@reedsmit.com

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 1/23/2024

Reed Smith LLP
599 Lexington Avenue
New York, NY 10022-7650
+1 212 521 5400
Fax +1 212 521 5450
reedsmit.com

January 23, 2024

VIA ECF

MEMO ENDORSED

The Honorable Valerie E. Caproni
United States District Judge
Southern District of New York
40 Foley Square, Room 443
New York, NY 10007

RE: *NYU Langone Health System and NYU Langone Hospitals v. Northwell Health, Inc.*
Civil Action No.: 1:23-cv-05032

Dear Judge Caproni:

We represent plaintiffs NYU Langone Health Systems and NYU Langone Hospitals (collectively “NYU Langone”) and submit this letter jointly with counsel for defendant Northwell Health, Inc. (“Northwell”), pursuant to the Court’s Individual Practices in Civil Cases, to request that the Court adjourn the February 9, 2024 pretrial conference.

On June 15, 2023, NYU Langone filed its Complaint in this matter. [ECF No. 1].

On August 7, 2023, this Court set February 9, 2024 as the date for a pretrial conference. [ECF No. 25]. This date coincided with the February 7, 2024 close of fact discovery, as set forth in the Court’s Civil Case Management Plan and Scheduling Order. *Id.*

On August 8, 2023, Northwell moved to dismiss NYU Langone’s Complaint. [ECF No. 26].

On November 20, 2023, the Court referred general pretrial matters, including discovery, scheduling and settlement issues to Magistrate Judge Cott. [ECF No. 39]. On November 2, at the parties’ joint request [ECF No. 41], Judge Cott extended the fact and expert discovery deadlines to April 12, 2024, and July 12, 2024, respectively [ECF No. 42], in order to allow the parties to substantially complete document production prior to deposition discovery. Judge Cott noted in his order that “[i]n light of these extensions, the parties may wish to reschedule the pre-trial conference presently scheduled for February 9, 2024 before Judge Caproni pursuant to the Case Management Plan.” [ECF No. 42].

On January 17, 2024, the parties filed a joint letter request to Judge Cott, requesting that the Court stay party and third-party *deposition* discovery until such time as Northwell’s pending motion to dismiss is decided and the pleadings are finalized. [ECF No. 47].

That same day, Judge Cott entered an order granting the parties’ request, ruling that “[t]he current deadlines for the close of fact and expert discovery are tolled until further order of the Court. Once the

The Honorable Valerie E. Caproni

ReedSmith

Page 2

motion to dismiss is decided, the Court will schedule a conference to discuss setting new deadlines for fact and expert discovery.” [ECF No. 48]

The parties otherwise are continuing to actively engage in document and written discovery, as reported to this Court in their monthly joint discovery reports. [ECF Nos. 32, 34, 36, 43, and 46].

There have been no prior requests for an adjournment of this Court’s February 9, 2024 pretrial conference.

The parties, accordingly, respectfully request, on consent, that the Court adjourn the February 9, 2024 pretrial conference until such time as the pleadings are finalized or fact discovery is completed, or such other date as the Court deems appropriate.

Respectfully Submitted:

/s/ Natsayi Mawere

Natsayi Mawere
REED SMITH LLP
599 Lexington Avenue
New York, New York 10022
Tel: (212) 521-5400
Fax: (212) 521-5450

Jennifer Yule DePriest
10 South Wacker Drive
Chicago, IL 60606-7507
Tel: (312) 207-1000
Fax: (312) 207-6400
jdepriest@reedsmith.com

Amy M. Kerlin
225 Fifth Avenue
Pittsburgh, PA 15222
Tel: (412) 288-3131
Fax: (412) 288-3063
akerlin@reedsmith.com

*Counsel for Plaintiffs NYU Langone Health System
and NYU Langone Hospitals*

/s/ Kimberly M. Maynard

Kimberly M. Maynard
Edward H. Rosenthal
Zoe Rachael Staum
Amanda Barkin
FRANKFURT KURNIT KLEIN & SELZ PC
28 Liberty Street
New York, NY 10005
Tel: (212) 826-5524
Fax: 347) 438-2114

Counsel for Northwell Health, Inc.

Application GRANTED. The Pretrial Conference scheduled for Friday, February 9, 2024, at 10:00 A.M. is ADJOURNED sine die. The Court will reschedule the Conference following resolution of the motion to dismiss, if the motion is denied.

SO ORDERED.



1/23/24

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE